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20 eAppraiseIT, LLC (named as First American eAppraiseIT)

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**

24 FELTON A. SPEARS, JR. and SIDNEY
25 SCHOLL, on behalf of themselves and all others
26 similarly situated,

27 Plaintiffs,

28 vs.

FIRST AMERICAN EAPPRAISEIT (a/k/a
eAppraiseIT, LLC),
a Delaware limited liability company ; and
LENDER'S SERVICE, INC. (a/k/a LSI
Appraisal, LLC), a Delaware limited liability
company,

Defendants.

Case No. 5-08-CV-00868 RMW

CLASS ACTION

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Courtroom: Courtroom 6, 4th Floor
Judge: Hon. Ronald M. Whyte

1 Pursuant to Local Rules 6-1 and 6-2, it is hereby stipulated and agreed by Plaintiffs and
 2 defendant eAppraiseIT, LLC (named as First American eAppraiseIT), by and through their
 3 attorneys of record, as follows:

4 On April 25, 2012 the Court entered an Order Granting Motion For Class Certification
 5 And Setting Case Management Conference (Docket #249) in the above-captioned action. That
 6 Order set a case management conference on May 25, 2012 at 10:30 A.M. or a date and time
 7 otherwise agreed to by all parties. The Order also instructed the parties to file a joint proposed
 8 form of class notice and joint plan for dissemination of that notice by May 11, 2012 and a joint
 9 case management conference statement by May 18, 2012. The Order directed that if the parties
 10 wish to reschedule these dates that they should contact the courtroom deputy, Jackie Garcia.

11 The parties have conducted initial discussions regarding notice and in preparation for the
 12 case management conference. During those discussions, the parties agreed that the United States
 13 Supreme Court's decision in *First American Financial Corp. v. Edwards* could narrow and/or
 14 clarify the issues in the above-captioned action. Because the parties expect that the Supreme
 15 Court will issue its decision in *Edwards* shortly, they have agreed to request that the Court
 16 continue the May 25, 2012 case management conference to June 29, 2012 at 10:30 A.M. The
 17 parties have also agreed to request that they will file a joint proposed form of class notice, joint
 18 plan for dissemination of the notice, and joint case management conference statement by June 22,
 19 2012. On May 9, 2012, undersigned counsel spoke with Ms. Garcia as directed by the Order, and
 20 she requested that we file this Stipulation and Proposed Order with these new dates.

21 Defendant eAppraiseIT, LLC ("EA") intends to file today a petition with the United States
 22 Court of Appeals for the Ninth Circuit, pursuant to Fed. R. Civ. P. 23(f), for permission to appeal
 23 the Order Granting Motion For Class Certification And Setting Case Management Conference
 24 (Docket #249). EA reserves its right to move to stay the above-captioned action based on the
 25 pendency or acceptance of its petition, and Plaintiffs reserve the right to oppose any such motion.

26 **IT IS SO STIPULATED**

27

28

Dated: May 9, 2012

STEMBER FEINSTEIN DOYLE PAYNE &
KRAVEC LLC

BRAUN LAW GROUP

LAW OFFICE OF JANET LINDNER SPIELBERG

SPIRO MOORE LLP

By /s/ Joseph N. Kravec, Jr.

JOSEPH N. KRAVEC, JR.

Attorneys for Plaintiffs

FELTON A. SPEARS, JR. and SIDNEY SCHOLL

Dated: May 9, 2012

DLA PIPER LLP (US)

By /s/ Carter Ott

CARTER W. OTT

Attorneys for Defendant

EAPPRAISEIT, LLC (named as FIRST AMERICAN EAPPRAISEIT)

I, Carter Ott, am the ECF user whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT
CONFERENCE. In compliance with General Order 45, X.B., I hereby attest that Joseph Kravec,
Jr. has concurred in this filing.

ORDER

The May 25, 2012 case management conference is continued to June 29, 2012 at 10:30 A.M. The parties shall file a joint proposed form of class notice, joint plan for dissemination of the notice, and joint case management conference statement by June 22, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/18/12, 2012

By Ronald M. Whyte
HONORABLE RONALD M. WHYTE
United States District Judge